

## REMARKS

### INTRODUCTION

Claims 1-33 were previously pending and currently pending and under consideration.

Claim 17 has been allowed.

Claims 1-16 and 18-33 stand rejected.

Claims 18 and 20 have been objected to.

Claims 5, 7, 9-11, 16, and 18-20 have been amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

### ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance as suggested by the Examiner;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance *or in better form for appeal* may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in

the Advisory Action.

### **OBJECTIONS TO THE CLAIMS**

In the Office Action, at page 16, claims 18 and 20 were objected to because of informalities. These have been corrected.

### **REJECTIONS UNDER 35 USC § 112, FIRST PARAGRAPH**

In the Office Action, at pages 15, claims 29-32 were rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth therein.

Item 39 of the Office Action states that there is no support in the specification "a method of color calibration causing a display system to emit a color, where the emitted color is product [sic] of an unknown value of a characteristic of the display and a color value passed to the display" as claimed by claims 29 and 30.

The Examiner is respectfully referred to pages 25 and 26 of the specification. This portion of the specification discusses "a color value passed to the display" ("color data (RGB) values are entered to the display", line 26, line 14). This portion also discusses "an unknown value of a characteristic of the display" (see lines 4-12 of page 26, which discuss how color temperature changes and is therefore unknown). Finally, the specification discusses how "the RGB value X and the associated display color can be used as a criterion for identifying a color temperature [i.e. characteristic] of the display (page 27, lines 1-3). Support is also found elsewhere in the specification. For example, Figure 6 identifies display characteristics of the display (S106) and produces a profile (S109), hence "a method of color calibration".

Item 40 of the Office Action states that there is no support for "a method comprising interactively identifying or indicating a perceived color perception category of a color emitted a [sic] display system to emit a color".

The Examiner is respectfully referred to page 23, line 23, to page 25, line 6, which discusses "colors perceived by a human are perceived through a classification of 11 colors ...

designated by the categorical color perception[s] ...'white', 'orange', etc." The specification also discusses identifying color perception categories, for example by naming a perceived color. See Figures 8 and 11.

Withdrawal of the rejection is respectfully requested.

#### **REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH**

In the Office Action, at pages 15 and 16, claims 5, 7, 11, 16, 18 and 19 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. The claims have been amended herein to correct the informalities. Withdrawal of the rejection is respectfully requested.

#### **REJECTIONS UNDER 35 USC § 103**

In the Office Action, at pages 2-14, claims 1-8, 12-16, 18, 20-29, 31, and 33 were rejected under 35 U.S.C. § 103 as being obvious over McLaughlin. Claims 9 and 10 were rejected under 35 U.S.C. § 103 as being obvious over McLaughlin in view of Tanaka. These rejections are traversed and reconsideration is requested.

#### **MCLAUGHLIN DOES NOT AUTOMATICALLY DETERMINE A DISPLAY CHARACTERISTIC**

Claims 1, 13-18, 24-27, and 29 substantially recite "automatically determining a value approximating the display characteristic of said display unit". See also the other independent claims.

McLaughlin does not discuss automatically determining a display characteristic. In item 54 of the Office Action, the rejection states that McLaughlin "does not discuss" this feature, and yet the rejection cites the Abstract and col. 14, lines 20-27 of McLaughlin. The Abstract discusses only automatically polling the status of the display. Polling is not the same as "determining", which generally means "to find out or come to a decision about by investigation, reasoning, or calculation <determine the answer to the problem> <determine a position at sea>". McLaughlin makes no such determination. Furthermore, col. 14, lines 20-27 only discuss *known*

display parameters reduced to a color profile. In sum, McLaughlin discusses manually and graphically setting internal parameters of a display. This is not the same as automatically determining a display characteristic.

See also MPEP § 2606: "Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim".

**MCLAUGHLIN DOES NOT DISCUSS DISPLAYING COLOR CATEGORIES OR MATCHING A DISPLAYED COLOR TO A COLOR CATEGORY**

Claims 20-23 display color perception categories. Claim 33 recites "matching the perceived color categories to color categories expected to be perceived when displayed with different values of a display characteristic".

McLaughlin does not discuss matching a displayed color to a color category. At item 55 of the Office Action, the Examiner cited col. 2, lines 30-45 of McLaughlin as discussing this feature. However, a control icon (e.g. white point) only causes the corresponding display characteristic to change to a new known value. A control icon is chosen indiscriminately and independent of what is displayed on the screen. Using a characteristic-setting control icon does not relate in any way to input identifying or indicating *a perceived color perception category of the color displayed*.

**MCLAUGHLIN DOES NOT DISCUSS THE COMBINATION OF INPUTTING PERCEIVED CATEGORY AND DETERMINING A CHARACTERISTIC VALUE IN ACCORDANCE THEREWITH**

Claim 14, for example, recites "interactively inputting information identifying or indicating a perceived color perception category of the color displayed on said display unit in accordance with the color chart; and automatically determining a value approximating the display characteristic of said display unit in accordance with the color value of the color chart and in accordance with the interactively inputted information identifying or indicating the perceived color perception category." See also the other independent claims that automatically determine a characteristic in accordance with similar input indicating a perceived color category.

McLaughlin does not discuss the combination of inputting a perceived category and determining a value approximating the display characteristic *in accordance with* the input and the color value of the color chart. Furthermore, matching a printed color to a display color is only

visually identifying a color that is identical to a specific color, regardless of any color perception category. A specific color is not a color perception category. The proposed addition of including color names to avoid numbers is incorrect because each individual color would become a color category, which contradicts the meaning of a category.

**MCLAUGHLIN DOES NOT RECEIVE INPUT *INDICATING OR IDENTIFYING* A PERCEIVED COLOR PERCEPTION CATEGORY**

The Merriam-Webster Dictionary defines "identify" to mean "to establish the identity", "establish" meaning "to put beyond doubt: PROVE". The same dictionary defines "indicate" to mean "to point out or point to", as by a person. The rejection refers to Figures 5, 6, and 11 of McLaughlin. These figures relate only to *setting* a characteristic or color value. Figure 11 states that "controls are used to *edit the colors of the display*". McLaughlin describes these figures as contrast and white point *controls*. To receive such input, McLaughlin would have to discuss a mechanism for inputting such input. Nowhere does McLaughlin discuss how to input a perceived color category. For example, nowhere does McLaughlin discuss identifying a color category such as "blue", or "purple".

**DEPENDENT CLAIMS**

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 4 recites "said display characteristics identification unit determines, as the display characteristic, luminance of said display". Again, McLaughlin does not determine or make known by calculation any display characteristic. This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 4, 2003

By: James T. Strom  
James T. Strom  
Registration No. 48,702

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501